

T

THE HONORABLE RONALD B. LEIGHTON



06-CV-05292-ORD

FILED	LODGED
RECEIVED	
MAR 22 2007	
CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA DEPUTY	

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

THE NEIMAN MARCUS GROUP, INC.;  
BERGDORF GOODMAN, INC.;  
AND NM NEVADA TRUST,

Plaintiffs,

vs.

DOTSTER, INC. A/K/A REVENUEDIRECT;  
REGISTRARADS, INC.; AND SCOTT FISH

Defendants.

NO. C06-5292RBL

STIPULATED PERMANENT  
INJUNCTION AND [PROPOSED]  
ORDER AND JUDGMENT

Note for Motion Calendar: March 21, 2007

It is hereby stipulated and agreed by and between The Neiman Marcus Group, Inc., NM Nevada Trust, and Bergdorf Goodman, Inc, (collectively "PLAINTIFFS"), and Dotster, Inc., RegistrarAds, Inc., and Scott Fish (collectively "DEFENDANTS"), by and through their undersigned counsel, as follows:

PLAINTIFFS own and/or license NEIMAN MARCUS and BERGDORF GOODMAN as trade names, and trade and service marks (collectively, "PLAINTIFFS' MARKS").

DEFENDANTS, their officers, agents, servants, employees, DEFENDANTS' affiliates, future entities acquired by DEFENDANTS and their affiliates, and each of them collectively, and all persons in active concert or participation with them who receive actual notice of this Order, shall be, and hereby are, permanently enjoined from registering, trafficking in or using, as a registrant, any domain name that is identical or confusingly similar to PLAINTIFFS' MARKS,

1 and knowingly participating with or directing the activities of third parties to do the same. No  
 2 enjoined person violates this Order by providing services to third parties which are widely  
 3 available in the ordinary course of business to the majority of customers using the enjoined  
 4 party's services. Any entity which acquires DEFENDANTS, or any of their affiliates, shall not  
 5 itself be subject to this injunction, however, the injunction shall continue to be in effect against  
 6 DEFENDANTS, or their affiliates, to the extent they continue under different auspices to  
 7 maintain ongoing business operations in substantially the same form using substantially the same  
 8 assets, but only as to such assets.  
 9

10 All parties consent to the electronically filed signatures within this Stipulated Permanent  
 11 Injunction.  
 12

13 Respectfully submitted this 21st day of March, 2007.  
 14

15 By: s/ Sarah J. Crooks

16 Sarah J. Crooks, WSBA 35997  
 17 Attorneys for Plaintiffs The Neiman  
 18 Marcus Group, Inc., Bergdorf Goodman,  
 19 Inc., NM Nevada Trust  
 20 **PERKINS COIE LLP**  
 21 1120 NW Couch Street, 10th Fl.  
 22 Portland, OR 97209  
 23 Tel.: 503-727-2000  
 24 Fax.: 503- 727-2222  
 25 E-mail: SCrooks@perkinscoie.com

26 By: s/ David J. Steele

27 David J. Steele (admitted *Pro Hac Vice*)  
 28 Howard A. Kroll (admitted *Pro Hac Vice*)  
 29 **CHRISTIE, PARKER & HALE, LLP**  
 30 3501 Jamboree Road  
 31 Suite 6000 - North Tower  
 32 Newport Beach, CA 92660  
 33 Tel.: 949-476-0757  
 34 Fax: 949-476-8641  
 35 E-mail: david.steele@cph.com  
 36 E-mail: hak@cph.com

37 By s/ Jamie C. Clausen

38 Jamie C. Clausen, WSBA No. 31765  
 39 Attorneys for Defendants Dotster, Inc.  
 40 aka RevenueDirect and Scott Fish  
 41 **COZEN O'CONNOR**  
 42 1201 Third Avenue, Suite 5200  
 43 Seattle, Washington 98101  
 44 Tel.: 206-340-1000  
 45 Toll Free: 800-423-1950  
 46 Fax.: 206-621-8783


47 By s/ Robert W. Hayes

48 Robert W. Hayes (*Pro Hac Vice* pending)  
 49 Attorneys for Defendants Dotster, Inc.  
 50 aka RevenueDirect and Scott Fish  
 51 **COZEN O'CONNOR**  
 1900 Market Street  
 Philadelphia, Pennsylvania 19103  
 Tel.: 215-665-2000  
 Fax.: 215-665-2013

ORDER AND JUDGMENT

Upon stipulation of the parties, and good cause appearing, therefore, IT IS  
ORDERED, ADJUDGED, AND DECREED.

Dated: March 22, 2007

  
Honorable Ronald B. Leighton  
United States District Judge